U.S. Department of Homeland Security

Office of the Secretary

June 9, 2003

The Honorable Edward Markey
United States House of Representatives
Washington, DC 20515

Dear Representative Markey:

In response to your inquiry at the May 22, 2003 hearing before the House Select Committee on Homeland Security, I am writing to provide you with an update on TSA's efforts to provide security for cargo transported aboard passenger aircraft.

The Aviation and Transportation Security Act (ATSA) requires the screening by federal employees of all "property, including United States mail, cargo, carry-on and checked baggage and other articles, that will be carried aboard a passenger aircraft." The Act provided several exceptions to the requirement that screening be performed by Federal employees, including cargo under TSA's known shipper program.

As part of its long-term air cargo security strategy, TSA is developing a strategic plan to identify priority actions for the passenger air cargo arena based on risk, effectiveness and cost of countermeasures. The plan will also include regulatory initiatives that will focus on three major sectors of the air cargo industry: passenger air carriers that transport cargo; all-cargo air carriers; and indirect air carriers (IACs), also known as freight forwarders. TSA's approach to screening air cargo is based on three components: verifying the legitimacy of shippers; pre-screening cargo shipments to target suspicious packages effectively; and finally, developing and instituting procedures and technology to inspect a flagged shipment.

The first and most significant component of this strategy, which TSA is already implementing, uses a threat-based, risk management approach similar to that taken in the container security arena, where all containers entering the country are screened and 100% of cargo determined to be "high-risk" is physically inspected. To secure 100% of the cargo transported aboard passenger aircraft, TSA prohibits any cargo from "unknown" or "high risk" shippers from being placed aboard those aircraft. TSA also ensures that any shipper wishing to transport cargo on passenger aircraft achieves "known" status through the TSA's known shipper program, a systematic process for weighing the potential security risk of air cargo.

The requirements for participation in the known shipper program have been strengthened since 9/11, including new requirements that all originating shippers qualify for known shipper status, and additional documentation and verification of shipper identity and business legitimacy. Passenger carriers, all-cargo carriers, and freight forwarders who interline cargo to passenger carriers are required to follow the known shipper protocols. Air carriers and indirect air carriers are responsible for validating known shippers; TSA inspects these carriers to ensure compliance. Shippers that do not fall under the known shipper regime are not allowed to transport cargo via passenger carriers, and therefore must tender their cargo to all-cargo carriers, or to another means of transportation.
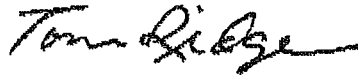
The second component of TSA's strategic approach calls for "pre-screening" the shipment. TSA is considering requiring shippers to provide advance information on their cargo before it may be loaded aboard passenger aircraft. This would enable the agency to target random shipments from "known" shippers for physical inspection. To further this end, TSA is developing a cargo "pre-screening" database with specific criteria for flagging suspicious shipments. TSA is working with the Bureau of Customs and Border Protection (BCBP) on this effort in order to capitalize on BCBP's excellent work on targeting and identifying containerized cargo in international commerce.

As a third component of TSA's strategic plan, TSA is considering various technological solutions that would allow unknown (or "high risk") shippers to transport cargo on passenger aircraft. These technologies include explosive detection systems (EDS) that can be combined with current practices, such as the use of explosives detection canine teams, to screen cargo from unknown shippers. TSA has investigated the use of EDS and/or physical inspection augmented by the use of explosives trace detection (ETD) devices to screen certain high risk cargo. However, logistical and technological limitations on the processing capabilities of these machines will have to be overcome for large-scale deployment in the passenger air cargo arena.

A final critical piece of TSA's effort to develop and implement an air cargo security strategic plan is a proactive and coordinated outreach effort to critical stakeholders. Through TSA's Aviation Security Advisory Committee (ASAC), three cargo working groups are addressing several key areas of security: known shipper program enhancements and additional screening programs; IAC security and compliance issues; and preventing unauthorized access to all-cargo aircraft. By focusing on these three areas, TSA and ASAC will address security issues as they relate to protecting shipment and conveyance (screening), securing the supply chain (IAC compliance), and mitigating the use of cargo aircraft as weapons of mass destruction (unauthorized access). Costs and benefits of various approaches will be evaluated, and the results of these efforts will help TSA create policy recommendations for regulatory, operational, and technology planning and requirements. This effort commenced in April 2003 and will be completed later this fall.

Thank you again for making me aware of your strong interest in this matter. If you have additional questions, please feel free to contact Pam Turner, Assistant Secretary for Legislative Affairs.

Sincerely,

Tom Ridge